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FEDERAL TRADE COMMISSION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

)	
FEDERAL TRADE COMMISSION,)	No. 3:18-cv-01096-LB
Plaintiff,)	
)	STIPULATED ORDER FOR
vs.)	PERMANENT INJUNCTION AND
)	MONETARY JUDGMENT
GENIUS TECHNOLOGIES, LLC, a)	AGAINST DEFENDANT PARMJIT
limited liability company;)	SINGH BRAR
AVANGATEE SERVICES, LLC, a)	
limited liability company; and)	
PARMJIT SINGH BRAR,)	
Defendants.)	

STIPULATED ORDER FOR PERMANENT INJUNCTION AND MONETARY
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1 Plaintiff, the Federal Trade Commission ("FTC"), filed its Complaint for
 2 Permanent Injunction and Other Equitable Relief ("Complaint") pursuant to
 3 Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C.
 4 § 53(b), and the Telemarketing and Consumer Fraud and Abuse Prevention Act
 5 ("Telemarketing Act"), 15 U.S.C. §§ 6101 - 6108. Through counsel, having filed a
 6 joint motion, the FTC and Defendant Parmjit Singh Brar stipulate to entry of this
 7 Stipulated Order for Permanent Injunction and Monetary Judgment Against
 8 Defendant Parmjit Singh Brar ("Order") to resolve all matters in dispute in this
 9 action before them.

10 THEREFORE, IT IS ORDERED as follows:

11 **FINDINGS**

12 1. This Court has jurisdiction over this matter.

13 2. The Complaint charges that Defendants participated in unfair acts or
 14 practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, and the
 15 Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310. The Complaint alleges
 16 that, beginning in at least 2015, Defendants have provided substantial support and
 17 assistance to an Indian tech support scheme in which purported technicians
 18 illegally obtain older consumers' personal information without their permission
 19 while deceiving those consumers into purchasing phony or otherwise suspect
 20 technical support services.

21 3. Settling Defendant neither admits nor denies any of the allegations in
 22 the Complaint, except as specifically stated in this Order. Only for purposes of this
 23 action, Settling Defendant admits the facts necessary to establish jurisdiction.

24 4. Settling Defendant waives any claim that he may have under the
 25 Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this
 26 action through the date of this Order, and agrees to bear his own costs and attorney
 27 fees.

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1 5. Settling Defendant waives all rights to appeal or otherwise challenge
2 or contest the validity of this Order.

3 **DEFINITIONS**

4 For purposes of this Order, the following definitions shall apply:

- 5 1. **“Defendants”** means Genius Technologies, LLC, Avangatee
6 Services, LLC, and Parmjit Singh Brar, individually, collectively, or in any
7 combination.
8 2. **“Settling Defendant”** means Parmjit Singh Brar.
9 3. **“Technical Support Service”** includes any service marketed to
10 repair, maintain, or improve a computer’s performance or security, including
11 registry cleaners, anti-virus programs, anti-malware programs, firewall programs,
12 anti-hacking programs, and computer or software diagnostic services.

13 **ORDER**

14 **I. BAN ON TECHNICAL SUPPORT SERVICES**

15 IT IS ORDERED that Settling Defendant is permanently restrained and
16 enjoined from advertising, marketing, promoting, or offering for sale, or assisting
17 in the advertising, marketing, promoting, or offering for sale of Technical Support
18 Services.

19 **II. CONDUCT PROHIBITIONS**

20 IT IS FURTHER ORDERED that Settling Defendant, Settling Defendant’s
21 officers, agents, employees, and all other persons or entities in active concert or
22 participation with any of them, who receive actual notice of this Order, whether
23 acting directly or indirectly, in connection with promoting or offering for sale any
24 good or service, are permanently restrained and enjoined from providing
25 substantial assistance or support to any person or entity that they know or
26 consciously avoid knowing induces consumers to pay for goods and services
27 through the use of false or misleading statements, including:
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NAB

1 A. Misrepresenting, directly or by implication, in the sale of goods or
2 services, any material aspect of the performance, efficacy, nature, or central
3 characteristics of goods or services that are the subject of a sales offer; and

4 B. Misrepresenting, directly or by implication, in the sale of goods or
5 services, an affiliation with, or endorsement or sponsorship by, any person or
6 government entity.

7 **III. MONETARY JUDGMENT AND PARTIAL SUSPENSION**

8 IT IS FURTHER ORDERED that:

9 A. Judgment in the amount of seven million five hundred seventy-seven
10 thousand five hundred sixteen dollars (\$7,577,516) is entered in favor of the FTC
11 against Settling Defendant as equitable monetary relief.

12 B. Settling Defendant is ordered to pay to the FTC one hundred thirty-six
13 thousand four hundred three dollars (\$136,403), which, as Settling Defendant
14 stipulates, his undersigned counsel holds in a client trust account for no purpose
15 other than payment to the FTC. Such payment must be made within 7 days of
16 entry of this Order by electronic fund transfer in accordance with instructions
17 previously provided by a representative of the FTC. Upon such payment, the
18 remainder of the judgment is suspended, subject to the Subsections below.

19 C. The FTC's agreement to the suspension of part of the judgment is
20 expressly premised upon the truthfulness, accuracy, and completeness of Settling
21 Defendant's sworn financial statements and related documents (collectively,
22 "financial representations") submitted to the FTC, namely:

- 23 1. The Financial Statement of Settling Defendant Parmjit Singh
24 Brar signed on March 21, 2018;
- 25 2. All documents and information submitted by counsel for
26 Settling Defendant via email on March 22, 2018, including bank
27 statements for Fremont Bank account ending in 6935, Fremont Bank
28 account ending in 4320, and Fremont Bank account ending in 0540;

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1 3. All documents and information submitted by counsel for
2 Settling Defendant via email on March 23, 2018, including Settling
3 Defendant's tax returns for years 2015, 2016, and 2017;

4 4. All documents and information submitted by counsel for
5 Settling Defendant via email on March 26, 2018, including an
6 addendum to the Financial Statement of Settling Defendant Parmjit
7 Singh Brar, signed on March 26, 2018, and bank statements for
8 Citibank account ending in 1305, U.S. Bank account ending in 4891,
9 and U.S. Bank account ending in 9252;

10 5. All documents and information submitted by counsel for
11 Settling Defendant via email on March 27, 2018, including the March
12 2016 statement for U.S. Bank account ending in 9252, and copies of
13 checks written from Settling Defendant's bank accounts;

14 6. All representations submitted by counsel for Settling Defendant
15 via email on March 28, 2018 at 4:57 p.m.;

16 7. All representations submitted by counsel for Settling Defendant
17 via email on March 29, 2018 at 3:44 p.m.;

18 8. All representations submitted by counsel for Settling Defendant
19 via email on April 2, 2018 at 2:08 p.m.; and

20 9. All documents and information submitted by counsel for
21 Settling Defendant via email on April 10, 2018, including a second
22 addendum to the Financial Statement of Settling Defendant Parmjit
23 Singh Brar, signed on April 10, 2018, and bank statements for
24 Fremont Bank account ending in 0540.

25 D. The suspension of the judgment will be lifted as to Settling Defendant
26 if, upon motion by the FTC, the Court finds that Settling Defendant failed to
27 disclose any material asset, materially misstated the value of any asset, or made
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1 any other material misstatement or omission in the financial representations
2 identified above.

3 E. If the suspension of the judgment is lifted, the judgment becomes
4 immediately due as to Settling Defendant in the amount specified in Subsection A.
5 above (which the parties stipulate only for purposes of this Section represents the
6 consumer injury alleged in the Complaint), less any payment previously made
7 pursuant to this Section, plus interest computed from the date of entry of this
8 Order.

9 **IV. ADDITIONAL MONETARY PROVISIONS**

10 IT IS FURTHER ORDERED that:

11 A. Settling Defendant relinquishes dominion and all legal and equitable
12 right, title, and interest in all assets transferred pursuant to this Order and may not
13 seek the return of any assets.

14 B. The facts alleged in the Complaint will be taken as true, without
15 further proof, in any subsequent civil litigation by or on behalf of the FTC,
16 including in a proceeding to enforce its rights to any payment or monetary
17 judgment pursuant to this Order, such as a nondischargeability complaint in any
18 bankruptcy case.

19 C. The facts alleged in the Complaint establish all elements necessary to
20 sustain an action by the FTC pursuant to Section 523(a)(2)(A) of the Bankruptcy
21 Code, 11 U.S.C. § 523(a)(2)(A), and this Order will have collateral estoppel effect
22 for such purposes.

23 D. Settling Defendant acknowledges that his Taxpayer Identification
24 Number (Social Security Numbers or Employer Identification Numbers), which
25 Settling Defendant previously submitted to the FTC, may be used for collecting
26 and reporting on any delinquent amount arising out of this Order, in accordance
27 with 31 U.S.C. §7701.
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1 E. All money paid to the FTC pursuant to this Order may be deposited
2 into a fund administered by the FTC or its designee to be used for equitable relief,
3 including consumer redress and any attendant expenses for the administration of
4 any redress fund. If a representative of the FTC decides that direct redress to
5 consumers is wholly or partially impracticable or money remains after redress is
6 completed, the FTC may apply any remaining money for such other equitable
7 relief (including consumer information remedies) as it determines to be reasonably
8 related to Settling Defendant's practices alleged in the Complaint. Any money not
9 used for such equitable relief is to be deposited to the U.S. Treasury as
10 disgorgement. Settling Defendant has no right to challenge any actions the FTC or
11 its representatives may take pursuant to this Subsection.

12 **V. CUSTOMER INFORMATION**

13 IT IS FURTHER ORDERED that Settling Defendant, Settling Defendant's
14 officers, agents, employees, and all other persons or entities in active concert or
15 participation with any of them, who receive actual notice of this Order, whether
16 acting directly or indirectly, are permanently restrained and enjoined from directly
17 or indirectly:

18 A. Disclosing, using, or benefitting from customer information, including
19 the name, address, telephone number, email address, social security number, other
20 identifying information, or any data that enables access to a customer's account
21 (including a credit card, bank account, or other financial account), that any
22 Defendant obtained prior to entry of this Order; and

23 B. Failing to destroy such customer information in all forms in their
24 possession, custody, or control within 30 days after receipt of written direction to
25 do so from a representative of the FTC.

26 Provided, however, that customer information need not be disposed of, and
27 may be disclosed, to the extent requested by a government agency or required by
28 law, regulation, or court order.

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VI. COOPERATION

IT IS FURTHER ORDERED that Settling Defendant must fully cooperate with representatives of the FTC in this case and in any investigation related to or associated with the transactions or the occurrences that are the subject of the Complaint. Settling Defendant must provide truthful and complete information, evidence, and testimony. Settling Defendant must appear for interviews, discovery, hearings, trials, and any other proceedings that an FTC representative may reasonably request upon 5 days written notice, or other reasonable notice, at such places and times as an FTC representative may designate, without the service of a subpoena.

VII. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that Settling Defendant obtains acknowledgments of receipt of this Order:

A. Settling Defendant, within 7 days of entry of this Order, must submit to the FTC an acknowledgment of receipt of this Order sworn under penalty of perjury.

B. For any business that Settling Defendant was the majority owner or controlled directly or indirectly, and that participated in conduct related to the subject matter of the Order, Settling Defendant must deliver a copy of this Order to (1) all principals, officers, directors, organizers and LLC managers and members; (2) all employees, agents, and representatives; and (3) all purported providers of Technical Support Services, whether located in or outside the United States, that participated in conduct related to the subject matter of the Order. Delivery must occur within 7 days of entry of this Order.

C. For 5 years after entry of this Order, for any business that Settling Defendant is the majority owner or controls directly or indirectly, Settling Defendant must deliver a copy of this Order to: (1) all principals, officers, directors, and LLC managers and members; (2) all employees having managerial

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1 responsibilities for conduct related to the subject matter of the Order and all agents
2 and representatives who participate in conduct related to the subject matter of the
3 Order; and (3) any business entity resulting from any change in structure as set
4 forth in the Section titled Compliance Reporting. Delivery must occur within 7
5 days of entry of this Order for current personnel. For all others, delivery must
6 occur before they assume their responsibilities.

7 D. From each individual or entity to which Settling Defendant delivered
8 a copy of this Order, Settling Defendant must obtain, within 30 days, a signed and
9 dated acknowledgment of receipt of this Order.

10 **VIII. COMPLIANCE REPORTING**

11 IT IS FURTHER ORDERED that Settling Defendant makes timely
12 submissions to the FTC:

13 A. One year after entry of this Order, Settling Defendant must submit a
14 compliance report, sworn under penalty of perjury:

- 15 1. Identify all telephone numbers and all physical, postal, email
16 and Internet addresses, including all residences;
- 17 2. Identify all business activities, including any business for which
18 Settling Defendant performs services whether as an employee or
19 otherwise and any entity in which Settling Defendant has any
20 ownership interest;
- 21 3. Describe in detail Settling Defendant's involvement in each
22 such business, including title, role, responsibilities, participation,
23 authority, control, and any ownership;
- 24 4. Identify the primary physical, postal, and email address and
25 telephone number, as designated points of contact, which
26 representatives of the FTC may use to communicate with Settling
27 Defendant;
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1 5. Identify all of Settling Defendant's businesses by all of their
2 names, telephone numbers, and physical, postal, email, and Internet
3 addresses;

4 6. Describe the activities of each business, including the goods
5 and services offered, the means of advertising, marketing, and sales;

6 7. Describe in detail whether and how Settling Defendant is in
7 compliance with each Section of this Order; and

8 8. Provide a copy of each Order Acknowledgment obtained
9 pursuant to this Order, unless previously submitted to the FTC.

10 B. For 20 years after entry of this Order, Settling Defendant must submit
11 a compliance notice, sworn under penalty of perjury, within 14 days of any change
12 in the following:

13 1. Name, including aliases or fictitious name, or residence
14 address;

15 2. Title or role in any business activity, including any business for
16 which Settling Defendant performs services whether as an employee
17 or otherwise and any entity in which Settling Defendant has any
18 ownership interest, and identify the name, physical address, and any
19 Internet address of the business or entity;

20 3. Any designated point of contact; or

21 4. The structure of any entity that Settling Defendant has any
22 ownership interest in or controls directly or indirectly that may affect
23 compliance obligations arising under this Order, including: creation,
24 merger, sale, or dissolution of the entity or any subsidiary, parent, or
25 affiliate that engages in any acts or practices subject to this Order.

26 C. Settling Defendant must submit to the FTC notice of the filing of any
27 bankruptcy petition, insolvency proceeding, or similar proceeding by or against
28 Settling Defendant within 14 days of its filing.

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1 D. Any submission to the FTC required by this Order to be sworn under
 2 penalty of perjury must be true and accurate and comply with 28 U.S.C. § 1746,
 3 such as by concluding: "I declare under penalty of perjury under the laws of the
 4 United States of America that the foregoing is true and correct. Executed on:
 5 _____" and supplying the date, signatory's full name, title (if applicable), and
 6 signature.

7 E. Unless otherwise directed by an FTC representative in writing, all
 8 submissions to the FTC pursuant to this Order must be emailed to
 9 DEbrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to:
 10 Associate Director for Enforcement, Bureau of Consumer Protection, Federal
 11 Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The
 12 subject line must begin: *FTC v. Parmjit Singh Brar* (FTC Matter No. X180025).

13 IX. RECORDKEEPING

14 IT IS FURTHER ORDERED that Settling Defendant must create certain
 15 records for 20 years after entry of the Order, and retain each such record for 5
 16 years. Specifically, Settling Defendant, for any business that Settling Defendant is
 17 a majority owner or controls directly or indirectly, must create and retain the
 18 following records:

19 A. Accounting records showing the revenues from all goods or services
 20 sold;

21 B. Personnel records showing, for each person providing services,
 22 whether as an employee or otherwise, that person's: name; addresses; telephone
 23 numbers; job title or position; dates of service; and (if applicable) the reason for
 24 termination;

25 C. Records of all consumer complaints and refund requests, whether
 26 received directly or indirectly, such as through a third party, and any response;

27 D. All records necessary to demonstrate full compliance with each
 28 provision of this Order, including all submissions to the FTC; and

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1 E. A copy of each unique contract with suppliers of goods or services
2 sold.

3 **X. COMPLIANCE MONITORING**

4 IT IS FURTHER ORDERED that, for the purpose of monitoring Settling
5 Defendant's compliance with this Order, including the financial representations
6 upon which part of the judgment was suspended and any failure to transfer any
7 assets as required by this Order:

8 A. Within 14 days of receipt of a written request from a representative of
9 the FTC, Settling Defendant must: submit additional compliance reports or other
10 requested information, which must be sworn under penalty of perjury; appear for
11 depositions; and produce documents for inspection and copying. The FTC is also
12 authorized to obtain discovery, without further leave of court, using any of the
13 procedures prescribed by Federal Rules of Civil Procedure 29, 30 (including
14 telephonic depositions), 31, 33, 34, 36, 45, and 69.

15 B. For matters concerning this Order, the FTC is authorized to
16 communicate directly with Settling Defendant. Settling Defendant must permit
17 representatives of the FTC to interview any employee or other person affiliated
18 with Settling Defendant who has agreed to such an interview. The person
19 interviewed may have counsel present.

20 C. The FTC may use all other lawful means, including posing, through
21 its representatives as consumers, suppliers, or other individuals or entities, to
22 Settling Defendant or any individual or entity affiliated with Settling Defendant,
23 without the necessity of identification or prior notice. Nothing in this Order limits
24 the FTC's lawful use of compulsory process, pursuant to Sections 9 and 20 of the
25 FTC Act, 15 U.S.C. §§ 49, 57b-1.

26 D. Upon written request from a representative of the FTC, any consumer
27 reporting agency must furnish consumer reports concerning Settling Defendant,
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1 pursuant to Section 604(1) of the Fair Credit Reporting Act, 15 U.S.C.
2 § 1681b(a)(1).

3 **XI. RETENTION OF JURISDICTION**

4 IT IS FURTHER ORDERED that this Court retains jurisdiction of this
5 matter for purposes of construction, modification, and enforcement of this Order.

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7 **SO ORDERED** this 20th day of June, 2018.


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11 UNITED STATES DISTRICT JUDGE
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SO STIPULATED AND AGREED:
FOR PLAINTIFF:
FEDERAL TRADE COMMISSION



Date: June 11, 2018

Sophia Calderón, Attorney
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FOR DEFENDANT:



Date: April 27, 2018

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510 North Third Street
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(408) 297-8555 (phone)
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COUNSEL For Parmjit Singh Brar

DEFENDANT: Parmjit Singh Brar



Date: 04.27.2018

Parmjit Singh Brar

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